

REMARKS

The Applicants do not believe that examination of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above response be entered and the claims to the present application, kindly, be reconsidered.

The Advisory Action dated January 28, 2005 has been received and considered by the Applicants. Claims 1-12 are pending in the present application for invention. The Advisory Action affirmed the rejection of Claim 1-12.

The Final Office Action rejected Claims 1, 2 and 6 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,878,014 issued to Hoeven (hereinafter referred to as Hoeven). The Examiner's position is that Hoeven discloses the recited elements of the rejected Claims 1, 2 and 6.

Regarding Claim 1, the Applicant would like to, respectfully point out that Hoeven teaches the use of side spots to derive the reflection signal (see col. 5, lines 19-44). There is no mention or suggestion within Hoeven for deriving the reflection signal through the use of only a single recording state. In the Advisory Action, the Examiner states that Hoeven discloses the using the reflection of only one of the states. The Applicant's position is that Hoeven teaches that the side spots can be split off from the central spot by a half a track pitch and the reflection from the side spots is used for power control. There is no disclosure, or suggestion, of any particular state being detected by the side spot 25 within Hoeven. In fact Hoeven specifically teaches away from using a reflection from a written area for power control purposes (see col. 5, lines 19-44). Therefore, Claim 1 has been amended to define subject matter that clearly recites that the reflection used to control power is from a written spot. There is no disclosure, or suggestion, within Hoeven for using only the reflection of a written spot for a single state to determine power control. Hoeven teaches away from the claimed invention of using the reflection from a written spot for a single state. Accordingly, Claim 1 as amended is clearly distinguished from the teachings of Hoeven.

Regarding Claim 2, the Applicant, respectfully, asserts that the subject matter defined by rejected Claim 2 is not found or suggested by Hoeven. Rejected Claim 2, defines subject matter for the reflection being measured at spots where a piece already in a highly

reflecting state is overwritten with a highly reflecting state. Hoeven teaches the use of side spots to derive reflectivity. Claim 2 depends from Claim 1 which, as previously discussed, has been amended to clearly define that the reflection is from a written spot. The Applicant, respectfully, points out that Hoeven does not teach use of the central spot (that which reads and writes) to derive reflectivity, but instead uses side spots. The Applicant asserts that the amendment to Claim 1 obviates the rejection to Claim 2.

Claim 6 defines subject matter for the reflection of a highly reflective state to be used to control power when both the highly reflective state and the less reflective state are written. This subject matter is not disclosed, or suggested, by Hoeven. Furthermore, Claim 6 depends from Claim 1, which as previously discussed is believed to be allowable, therefore Claim 6 which further narrows and defines Claim 1 is also believed to be allowable.

The Advisory Action affirms the rejection of Claims 1-5 under the provisions of 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,184,343 issued to Johann et al., (hereinafter referred to as Johann et al.). The Examiner's position is that Johann et al. disclose the subject matter of the rejected claims. The Applicant, respectfully, asserts that the above discussed amendment to Claim 1 clearly distinguishes the presented invention as defined by the rejected claims from the teaching of Johann et al. Johann et al. teach increasing the power level of a laser when the reflected laser power reduces below an average level. The Applicant, respectfully, points out that Johann et al. teach sensing for reflected laser power dropping below an average read level, that power to the laser is increased. The rejected claims define subject matter for using the reflection of a recorded spot for only one states and used to control laser power for the writing of highly reflective and less reflective spots. Johann et al. do not disclose or suggest that a reflection measured from a spot of only one of the states is used for controlling write power of both states.

The Advisory Action affirms the rejection of Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,333,909 issued to Zaima (hereinafter referred to as Zaima). The Examiner's position is that Zaima discloses that during the writing of the states the reflection is measured of only one of the states even if the other state is written. The Applicant's position is that the above discussed amendment to Claim 1 renders this rejection moot. The Applicant, respectfully, points out that Zaima teaches that control amount of the laser power is based on the amplitude level of the information signal, specifically the amplitude of a

high frequency signal or a DC component of the high frequency signal the reproduced information signal. There is no disclosure, or suggestion, within Zaima for measuring the reflection from a written spot only one of the states and using a measured value of that reflection to control laser power for the writing of both states. Therefore, the above discussed amendment to Claim 1 is believed to have obviated this rejection.

The Advisory Action affirms the rejection of Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,487,149 issued to Yokoi et al., (hereinafter referred to as Yokoi et al.). The Examiner's position is that Yokoi et al. disclose the recited elements of the rejected claims that during the writing of the states the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode. Claim 1 has been amended to define subject matter for the reflection from a written spot to be measured and a measured value of the reflection is used to control the write power for both states. Yokoi et al. do not disclose, or suggest, the reflection from a written spot to be measured and a measured value of the reflection is used to control the write power for both states. Therefore, the Applicants, respectfully, assert that the amendment to Claim 1 renders this rejection moot.

The Advisory Action affirms the rejection of Claims 1-2 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,600,712 issued to Matsui et al., (hereinafter referred to as Matsui et al.). The Examiner states that Matsui et al. teach the elements of the rejected claims. The Applicant, respectfully, points out Matsui et al. teach receiving reflection light during a period of time immediately after irradiation changes from the recording power to a non-recording power. The Applicant further points out that receiving reflection light during a period of time immediately after irradiation changes from the recording power to a non-recording power as taught by Matsui et al. is not equivalent to the reflection being measured for only one of the states and the measured value and then used for controlling the power of the laser diode even when the other state is being written as recited by the rejected claims. Moreover, Matsui et al. states that the recording power of the irradiation is controlled according to the state of the recorded mark (see column 3, lines 32-36) which is directed towards an entirely different premise than the subject matter defined by the rejected claims of measuring only one of the states and using the measured value for controlling the power of the laser diode even when the other state is being written. Therefore, this rejection is respectfully traversed.

The Applicant, respectfully points out that Claim 1 has been amended as previously discussed. The amended claims further distinguish the present invention from the teaching of Matsui et al. in that Matsui et al. do not disclose, or suggest, measuring a reflection from a written spot and using a measured value of that reflection to control laser power for writing both states.

The Advisory Action affirms the rejection of Claims 7-11 under the provisions of 35 U.S.C. §103(a) as being obvious over Johann et al. in view of U.S. Patent No. 4,858,219 issued in the names of Yoshikawa (hereinafter referred to as Yoshikawa), U.S. Patent No. 5,406,540 issued in the names of Longman et al. (hereinafter referred to as Longman et al.) and further in view of U.S. Patent No. 5,029,023 issued in the names of Bearden et al. (hereinafter referred to as Bearden et al.).

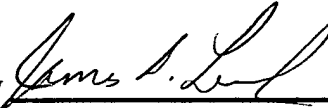
The Examiner admits that Johann et al. do not disclose the means for controlling power as described in the specification for the present invention, and the functional equivalents thereof. The Examiner's position is that Yoshikawa, Longman et al., and Bearden et al. teach the means for controlling power as recited by rejected Claim 7-11. The Applicant, respectfully, points out that rejected Claim 7 has been amended to more clearly define the subject matter of the invention as means for measuring a reflection from a written spot of only one of the states during writing and means for controlling the power of the laser diode to be a measured value of the reflection for writing both states. Neither, Yoshikawa, Longman et al. nor Bearden et al. teach the means for controlling power as recited by amended Claim 7. Therefore, Claims 7-11 are believed to be allowable over the cited references.

The Advisory Action affirms the rejection of Claim 12 under the provisions of 35 U.S.C. §103(a) as being obvious over Johann et al. in view Yoshikawa, Longman et al. and Bearden et al. and further in view of Hoeven. The Examiner admits that the combination of Johann et al. in view Yoshikawa, Longman et al. and Bearden et al. do not disclose or suggest that the means for measuring measures the reflection when a highly reflective state is written. The Examiner's position is that Hoeven teaches this feature. The Applicant respectfully, points out that Claim 12 depends from and further narrows and defines Claim 7. As previously discussed Claim 7 is believed to be allowable. Therefore, Claim 12 is also believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 
James D. Leimbach
Patent Attorney, Reg. No. 34,374

**Please address all correspondence
for this case to:**


Michael E. Belk
Senior Intellectual Property Counsel
Philips Intellectual Property & Standards
Philips Electronics N.A. Corp.
P.O. Box 3001
Briarcliff Manor, NY 10510-8001 USA
914-333-9643

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: RCE, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: April 4, 2005

(Mailing Date)

Signature: 

Person Signing: James D. Leimbach